

FILED

AO 247 (02/08) Order Regarding Motion for Sentence Reduction

APR 04 2008

CLERK OF COURTS
U.S. DISTRICT COURT, N.D.O.
CLEVELAND

UNITED STATES DISTRICT COURT

for the

Northern District of Ohio

United States of America)

v.)

SERGIO VAZQUEZ)

Date of Previous Judgment: 05/15/2006)

(Use Date of Last Amended Judgment if Applicable))

Case No: 1:05CR513-001

USM No: 30326-160

DANIEL G. WIGHTMAN

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 63 months is reduced to 60 months*.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: <u>25</u>	Amended Offense Level: <u>23</u>
Criminal History Category: <u>II</u>	Criminal History Category: <u>II</u>
Previous Guideline Range: <u>63</u> to <u>78</u> months	Amended Guideline Range: <u>51</u> to <u>63</u> months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain):

III. ADDITIONAL COMMENTS

*The Defendant is subject to a statutory mandatory minimum of 60** months incarceration for possessing more than 5 grams but less than 50 grams of cocaine base and, therefore, is only eligible for a maximum sentence reduction of three (3) months.

** 60 Months each on counts 1, 2 to run concurrently

Except as provided above, all provisions of the judgment dated 05/15/2006 shall remain in effect.

IT IS SO ORDERED.

Order Date: 04/04/2008

Effective Date: 04/04/2008
(if different from order date)

Christopher A. Boyko
Judge's signature

Judge Christopher A. Boyko
United States District Court